

EXECUTIVE ORDER NUMBER 17

WHEREAS, improving Alabama's system of workforce development is a primary goal of State government; and

WHEREAS, there are a number of existing executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, employment training and development. Streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to realize significant cost savings, eliminate redundancy and simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, and promote more effective sharing of best practices and state of the art technology, among other things; and

WHEREAS, strengthening Alabama's system of workforce and economic development to build a highly skilled and globally competitive workforce throughout the State is a primary goal of State government; and

WHEREAS, State government must continue to improve the effective utilization of existing resources in support of workforce and economic development to significantly reduce fragmentation and duplication of efforts.

NOW THEREFORE, based upon those considerations, and for other good and valid reasons which relate thereto, I, Bob Riley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby direct the consolidation of the administration of federal and state workforce development activities by creating the Office of Workforce Development. This Executive Order replaces EO #17 dated December 30, 2003.

BE IT ORDERED that the Governor shall appoint a Director of the Office of Workforce Development, who shall serve at his pleasure and a Workforce Planning Council to develop, administer and coordinate the implementation of a comprehensive State Plan for Workforce Development to be approved by the Governor with input from the State WIA Board. The Council shall be composed of the Director of the Office of Workforce Development, the Chancellor of Postsecondary Education, the Director of the Alabama Department of Economic and Community Affairs, the Director of the Department of Industrial Relations, the Director of the Alabama Development Office, the Commissioner of the Department of Human Resources, the Director of the Alabama Industrial Training Institute, the State Superintendent of Education or their respective designees and two at-large members appointed by the Governor, one of whom shall be the president of an Alabama public two-year college and the other representing Alabama business and industry. The chairperson of the Planning Council shall be the Chancellor of Postsecondary Education.

BE IT FURTHER ORDERED that all the powers, duties, rights and responsibilities related to workforce development vested in the Alabama Department of Economic and Community Affairs with respect to the administration of the federal Workforce Investment Act of 1998 and any subsequent reauthorization and all liabilities arising therefrom are transferred to the Office of Workforce Development.

BE IT FURTHER ORDERED that all the powers, duties, rights and responsibilities of other units of State government and programs under the direction of the Governor whose responsibility is to provide workforce development and/or training within the State including, but not limited to those not vested in statute, and all liabilities arising therefrom are transferred to the Office of Workforce Development.

BE IT FURTHER ORDERED that personnel in the Alabama Department of Economic and Community Affairs, and other units of State government who are assigned directly or indirectly to programs transferred by this Executive Order shall continue their service within the Office of Workforce Development. While such transferred employees shall receive no change in grade or pay, their roles and responsibilities may change subject to the discretion of the Director.

BE IT FURTHER ORDERED that, whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership on any council, commission, board or other entity, the Director of the Office of Workforce Development or his/her designee(s) shall serve in that place. If more than one such commissioner/director is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Office of Workforce Development shall so serve.

BE IT FURTHER ORDERED that all unexpended balances of appropriations, grants, and contracts, including federal, state, and other funds or allocations for the past program years ending June 30, 2003 and past fiscal years ending September 30, 2003 of the programs transferred by this Executive Order from the Alabama Department of Economic and Community Affairs, and other units of State government and programs effected by this Executive Order to the Office of Workforce Development shall be transferred to the Office of Workforce Development. All funds, including federal, state and other funds appropriated, granted, or contracted to Alabama Department of Economic and Community Affairs, and other units of State government and programs effected by this Executive Order for the program years beginning July 1, 2003 and fiscal years beginning October 1, 2003 shall be transferred to the Office of Workforce Development for its use under the same terms and conditions as specified by any act, grant or contract, or as otherwise specified by law. All books, records, papers, documents, property (real and personal), and pending business pertaining to the rights, powers and duties transferred by this Executive Order from the Alabama Department of Economic and Community Affairs, and other units of State government and programs effected by this Executive Order to the Office of Workforce Development, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Office of Workforce Development pursuant to the direction of the Director of the Office of Workforce Development, although the Office of Workforce Development shall remain an administrative arm of the Alabama Department of Economic and Community Affairs.

BE IT FURTHER ORDERED that the rights, powers and duties transferred to the Office of Workforce Development by this Executive Order shall be vested in and shall be exercised by the Office of Workforce Development. Each act done in exercise of such rights, powers and duties shall have the same legal effect as if done by the Alabama Department of Economic and Community Affairs, or other affected units of State government and programs, their officers or employees thereof as it pertains to the programs transferred by this Executive Order.

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BE IT FURTHER ORDERED that this Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding a unit of State government effected by this Executive Order as it pertains to the programs transferred before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Office of Workforce Development.

BE IT FURTHER ORDERED that, as soon as practicable hereafter, the Office of Workforce Development shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties affected by this Order. The parent state agency of the Office of Workforce Development may propose and adopt such other rules of the reorganized agencies that will now be administered by the Office of Workforce Development and approved by the Legislative Council where applicable.

BE IT FURTHER ORDERED that the Office of Workforce Development shall operate in full cooperation with the Department of Postsecondary Education which shall be the primary, but not sole, provider, of workforce education and training.

BE IT FURTHER ORDERED that, if any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

BE IT FURTHER ORDERED that this Executive Order shall become effective immediately upon its execution and shall remain in effect until amended or modified by the Governor.

DONE AND ORDERED this _____ day of February, 2004.

Bob Riley
Governor

Attested:

Nancy L. Worley
Secretary of State